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Paper No. 10

In re application of
Donald J. Giroux et al.
Serial No. 09/734,477

DECISION ON
PETITION

Filed: December 11, 2000

For: TWO PART, ROOM TEMPERATURE CURABLE EPOXY
RESIN/(METH)ACRYLATE COMPOSITIONS WITH HIGH
FLASH POINT AND LOW ODOR, REACTION PRODUCTS
OF PRODUCTS OF WHICH DEMONSTRATE IMPROVED
FIXTURE TIME

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed August 25, 2003, for failure to respond to the Office Action dated December 4, 2002. Applicants contend that said Office Action was never received.

DECISION

This petition request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request does not have merit.

Submitted as evidence is a declaration from applicants docketing clerk, that said Office Action was never received. The evidence required for the persuasive showing of a non-received Office Action is 1) a statement that no such Office Action was ever received (done), 2) a statement that a review of the file record was made, but the Action not found, and 3) submission of a copy of the docket records, showing that the Office Action was not received.

Applicants have failed to provide the later two requirements.

Therefore, the holding of abandonment, set forth in the Notice of Abandonment of July 29, 2003 is deemed proper and is maintained.

The petition is **DENIED**.

Jacqueline M. Stone, Director
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